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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,858	01/08/2004	Rhonda L. Childress	AUS920031002US1	6042

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EXAMINER

ANWARI, MACEEH

ART UNIT	PAPER NUMBER
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2444

NOTIFICATION DATE	DELIVERY MODE
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10/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No. 10/753,858	Applicant(s) CHLDRESS ET AL.	
	Examiner MACEEH ANWARI	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9- 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9- 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/30/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to communications file on 07/02/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 9- 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lam** U.S. Publication No.: 2007/0113017 A1 and further in view of **Pruthi et al .** (hereinafter **Pruthi**) U.S. Publication No.: 2002/0105911 A1.

Regarding claim 9, Lam discloses: A data processing system for identifying nodes in a network data processing system, the data processing system comprising: a bus system (**Figure 7 and par. 56, 58; SCSI bus**); a communications unit connected to the bus system (**Figures 1- 2, 7- 8 and par. 27; computer, processor, various servers and network**); a memory connected to the bus system, wherein the memory includes a set of instructions (**Figures 1- 2, 7- 8 and par. 27; [210, 250-1 324, 340, 245, 325, 719, 725, 732] generating commands**); and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive cache data from a set of routers in the data processing system on a periodic basis, wherein the cache data includes an identification of the nodes sending data packets onto the

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network data processing system (**Figures 1- 2, 5, 7- 9 and Abstract & par. 27 & 37; [508-540] recording data, computer/processor and cache data**); in response to receiving the cache data, store the cache data basis prior to clearing the cache data present in the set of routers, wherein the stored cache data comprises snapshots of cache data previously present in the set of routers over time (**Figures 5 & 9 and Abstract; [508-540] [719-750] determining requirement of snapshot**); identify the nodes on the network data processing system using the stored cache data from the set of routers (**par. 34, 37- 38, 45 and 56; identifiers**); and generate a display of the nodes in a graphical view comprising communications paths between the nodes with a graphical indication of network traffic volume using the stored cache data, wherein the graphical view includes network traffic volume and node relationships over time.

Lam does not explicitly teach generating a display of the nodes in a graphical view comprising communications paths between the nodes with a graphical indication of network traffic volume using the stored cache data, wherein the graphical view includes network traffic volume and node relationships over time.

In the same field of endeavor, **Pruthi** teaches generating a display of the nodes in a graphical view comprising communications paths between the nodes with a graphical indication of network traffic volume using the stored cache data, wherein the graphical view includes network

traffic volume and node relationships over time (**Figures 10- 23 and Abstract; traffic plots**).

Accordingly it would have been obvious for one of ordinary skill in the art to modify or incorporate **Pruthi's** teachings of graphically depicting network traffic and node relationships over time with the teachings of **Lam**, to collect, analyze and monitor data over a communications network (**Pruthi par. 2**).

Claim 10 is substantially the same as **claim 9** and is therefore rejected for the same rationale as **claim 9**.

Regarding claim 11 Pruthi-Lam further discloses wherein the cache data is from a set of address resolution protocol caches located on the set of routers (**Pruthi par. 32 and 39; ARP**).

Regarding claim 12 Pruthi-Lam further discloses wherein identifying means for identifying communications paths between the nodes on the network data processing system using the cache data (**par. 34, 37-38, 45 and 56; identifiers**).

Regarding claim 13 Pruthi-Lam further discloses comprising: identifying means for identifying network traffic on the communication paths using the cache data received on the periodic basis from the set of routers (**Pruthi Figures 10- 23 and Abstract; traffic plots**).

Regarding claim 14 Pruthi-Lam further discloses wherein the cache data received on the periodic basis is used to validate service level agreement compliance (**Pruthi par. 56; SLA**).

Regarding claim 15 Pruthi-Lam further discloses wherein the cache data is received through agents located on the set of routers **(Figures 1- 2, 5, 7- 9 and Abstract & par. 27 & 37; [508-540]recording data, computer/processor and cache data).**

Regarding claim 16 Pruthi-Lam further discloses where the agents clear the set of address resolution protocol caches each time data is sent to the data processing system **(Figures 5 & 9 and Abstract; [508-540] [719-750] determining requirement of snapshot).**

Claim 17: Wherein the cache data contains entries for the nodes sending data packets onto the network data processing system and wherein each entry includes at least one of a media access control address, a source Internet Protocol address, and a destination Internet Protocol address **(Pruthi par. 32 and 39; ARP).**

Claims 18-21 list all the same elements as **claims 9-17** but in computer readable medium form rather than system form. Therefore, the supporting rationale used to reject **claims 9-17** apply equally as well to **claims 18-21.**

Response to Arguments

1. Applicant's arguments with respect to **claims 9- 21** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144